

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of:	)	
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	
CTIA Petitions for Declaratory Ruling on	)	
Wireless-Wireline Porting Issues	)	
	)	

**COMMENTS OF T-MOBILE USA, INC.**

T-Mobile USA, Inc. ("T-Mobile")<sup>1</sup> submits these comments in response to the Federal Communications Commission's ("FCC" or "Commission") November 10, 2003 *Further Notice of Proposed Rulemaking* requesting comment on various issues relating to wireless-to-wireline local number portability ("LNP").<sup>2</sup> T-Mobile urges the Commission to facilitate wireless-to-wireline porting in a manner that enhances competition and maximizes consumer choice by eliminating all unnecessary restrictions on LNP. T-Mobile also recommends that the Commission reduce the porting interval to two days for intermodal simple ports.

T-Mobile fully supports the Commission's recent orders regarding wireless-wireless porting issues and wireline-wireless porting issues. Both orders sought

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<sup>1</sup> T-Mobile USA, Inc. ("T-Mobile") is the sixth largest national wireless provider in the U.S. with licenses covering approximately 94 percent of the U.S. population and currently serving over twelve million customers. T-Mobile is a wholly-owned subsidiary of Deutsche Telekom, AG and is part of its T-Mobile wireless division.

<sup>2</sup> *Telephone Number Portability*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, FCC 03-284 (rel. Nov. 10, 2003) ("*Further Notice*").

to facilitate consumer choice and competition by eliminating unnecessary restrictions on LNP so that customers enjoy the greatest possible “flexibility in the quality, price, and variety of telecommunications services they can choose to purchase.”<sup>3</sup> In so doing, the orders remained true to both the letter of Act and the critical policy goals underlying the Act’s LNP requirement, which the Commission has found is key to “promot[ing] competition between telecommunications providers,”<sup>4</sup> which in turn “foster[s] lower telephone prices and, consequently, stimulate[s] demand for telecommunications services and increase[s] economic growth.”<sup>5</sup> T-Mobile urges the Commission to apply these same principles to wireless-wireline portability, because there is no statutory or policy basis for unnecessarily restricting the “ability of end users to retain their telephone numbers when changing service providers . . .”<sup>6</sup> due to differences between the ways in which wireless and wireline carriers have traditionally provided service.

**I. WIRELESS-WIRELINE PORTABILITY, LIKE ALL OTHER TYPES OF PORTABILITY, SHOULD FACILITATE CUSTOMER CHOICE AND COMPETITION TO THE GREATEST EXTENT POSSIBLE**

In the *Further Notice*, the Commission seeks comment on “how to facilitate wireless-to-wireline porting where there is a mismatch between the rate center associated with the wireless number and the rate center in which the wireline carrier

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<sup>3</sup> *Telephone Number Portability*, 11 FCC Rcd 8352 (1996) (“*LNP First Report and Order*”); *Telephone Number Portability*, 12 FCC Rcd 12281 (1997) (“*LNP Second Report and Order*”); *Telephone Number Portability*, 13 FCC Rcd 16315 (1998) (“*CMRS LNP First Extension Order*”); *Telephone Number Portability, Cellular Telecommunications Industry Association’s Petition for Forbearance from Commercial Mobile Radio Services Number Portability Obligations*, 14 FCC Rcd 3092 (1999) (“*CMRS LNP Second Extension Order*”); *Verizon Wireless Petition for Forbearance from Commercial Mobile Radio Services Number Portability Obligations*, 17 FCC Rcd 14972 (2002) (“*CMRS LNP Third Extension Order*”).

<sup>4</sup> *LNP First Report and Order*, 11 FCC Rcd 8368, ¶ 30.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

seeks to serve the customer.”<sup>7</sup> In facilitating wireless-to-wireline porting, customer choice and competition must be paramount. Therefore, the Commission should seek to prohibit all unnecessary restrictions on wireless-wireline LNP, just as it has with respect to wireline-wireline, wireless-wireless and wireline-wireless LNP.

In order to foster competition and customer choice as envisioned by the Act and the Commission’s current rules and policies regarding LNP, the Commission should apply the following ruling to all types of LNP, including wireless-wireline LNP:

Upon request by an end user, a carrier – whether wireline or wireless – must port a telephone number to any other carrier – whether wireline or wireless – that serves the rate center with which that telephone number is associated (*i.e.*, is capable of originating and terminating calls within the rate center).

With respect to requests by end users to port a number from a wireless carrier to a wireline carrier where there is a mismatch between the rate center associated with the number and the rate center in which the end user wishes to receive wireline service, the wireline carrier also must be capable of serving the rate center in which the end user wishes to receive wireline service. This capability need not be addressed in the ruling, however, because wireline carriers presumably will permit end users to submit port requests only where the carriers can actually provide the requested service.

This ruling is simple, clear and technologically neutral because it applies equally to every type of carrier (*i.e.*, the obligation it imposes does not vary based on technology). The ruling is also consistent with the requirements of the Act and the Commission’s current rules and policies regarding LNP because it allows an end user to retain his or her telephone number while switching to a competitive service provider,

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<sup>7</sup> *Further Notice*, ¶ 42.

which is the same standard that applies to all wireline-wireline, wireless-wireless and wireline-wireless portability today.

The Commission also asks for comment on “technical impediments associated with requiring wireless-to-wireline LNP when the location of the wireline facilities serving the customer requesting the port is not in the rate center where the wireless number is assigned.”<sup>8</sup> T-Mobile respectfully submits that there are no inherent technical impediments that prevent wireless-wireline LNP when the location of the wireline facilities serving the customer requesting the port is not in the rate center where the wireless number is assigned. Moreover, to the extent that there could be carrier- or location-specific technical impediments that prevent the porting of a number under particular circumstances, the technical impediments almost certainly would relate to the ability of the wireline carrier to port the number in rather than the ability of the wireless carrier to port the number out. As such, the ruling outlined above would, in addition to enhancing competition and maximizing consumer choice, create the appropriate incentives for carriers to introduce technical upgrades designed to improve their ability to compete in the marketplace. By contrast, limiting the obligation of wireless carriers to port numbers out simply because certain wireline carriers are unwilling or unable to port specific numbers in would limit consumer choice, inhibit competition and create no incentives for carriers to innovate.

In sum, the best way to enhance competition and maximize consumer choice is to eliminate all unnecessary restrictions on LNP. Thus, the Commission should reaffirm that the sole limitation on service provider portability that the Act and the

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<sup>8</sup> *Id.*

Commission's current rules and regulations recognize is technical feasibility. The Commission should adopt the ruling outlined above with respect to wireless-wireline portability because it would create the appropriate incentives for carriers to innovate. Moreover, the same principles already apply to wireline-wireline, wireless-wireless and wireline-wireless portability. Nothing in the Act or the Commission's existing rules and policies could justify applying a different standard to wireless-wireline portability.

## **II. THE INTERMODAL PORTING INTERVAL SHOULD BE REDUCED TO THE GREATEST EXTENT FEASIBLE**

In the *Further Notice*, the Commission seeks comment on “whether we should reduce the current wireline four business day porting interval for intermodal porting.”<sup>9</sup> T-Mobile urges the Commission to establish a porting interval of two days for intermodal simple ports with mechanized interface and 10-digit triggers. Shortening the porting interval will benefit consumers by making it easier and less confusing to switch between wireless and wireline carriers and by reducing the potential safety issues associated with intermodal ports. The porting interval for complex ports should be based upon negotiated business arrangements.

### **A. The Intermodal Porting Interval for Simple Ports Should Be Two Days.**

T-Mobile urges the Commission to establish a porting interval of two days for intermodal simple ports. A “simple port” is a port that involves an account for a single line (porting a single line from a multiple-line account is not considered to be a

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<sup>9</sup> *Id.*, ¶¶ 49-50.

single line), utilizes a mechanized interface and 10 digit trigger.<sup>10</sup> In addition, a simple port does not include unbundled network elements or complex switch transactions (i.e., ISDN or remote call forwarding, etc.) and does not involve a reseller.<sup>11</sup>

A two day porting interval for simple intermodal ports is technically feasible. The 3<sup>rd</sup> Report on Wireless Wireline Integration outlines two alternatives to decrease the amount of time it takes a wireline carrier to complete a port.<sup>12</sup> First, the new Service Provider could activate the port at the NPAC SMS as soon as the 10-digit trigger has been applied by the old Service Provider.<sup>13</sup> Second, the new Service Provider could initiate the port at the NPAC SMS immediately following the receipt of the Firm Order Commitment (“FOC”).<sup>14</sup> Both options are technically and economically feasible, and both would allow intermodal simple ports to be completed in two days. Therefore, T-Mobile recommends that the FCC establish a two day porting interval for simple intermodal ports.

**B. The Intermodal Porting Interval for Complex Ports Should Be Based Upon Negotiated Business Arrangements**

The interval for complex ports should not be held to a 2-day porting interval but instead should be based on individual negotiations between the carriers. Complex ports are those which involve a number of factors including: the number of lines involved, the presence of multiple geographic locations or time zones, the porting of

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<sup>10</sup> North American Numbering Council, Local Number Portability Administration Working Group, 3<sup>rd</sup> Report on Wireless Wireline Integration § 3.1 (Sept. 30, 2000) (“*LNPAG 3<sup>rd</sup> Report on Wireless Wireline Integration*”).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*, § 4.

<sup>13</sup> *Id.*, § 4.1.

<sup>14</sup> *Id.*, § 4.2.

non-consecutive numbers, the need to perform the port after hours or at busy times due to the nature of the numbers (*i.e.*, large multi-line ports for businesses must be performed at night because the businesses cannot have their phone lines down for the amount of time it takes to complete the port), the involvement of multiple service providers, and requests from the carrier for special coordination of the port.<sup>15</sup> Ports involving one or more of these factors are too complex to be completed within a pre-established timeframe. Therefore, T-Mobile respectfully submits that the Commission should not establish a porting interval for complex ports.

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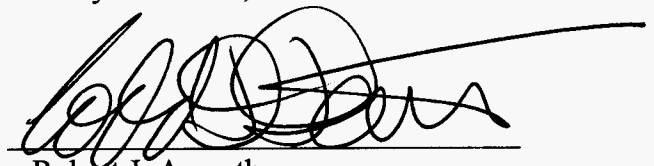
<sup>15</sup> North American Numbering Council, Local Number Portability Administration Working Group, 2<sup>nd</sup> Report on Wireless Wireline Integration §5.1.1 (June 30, 1999) (“*LNPAWG 2<sup>nd</sup> Report on Wireless Wireline Integration*”).

### **III. CONCLUSION**

For the foregoing reasons, T-Mobile urges the Commission to facilitate wireless-to-wireline porting in a manner that enhances competition and maximizes consumer choice by eliminating all unnecessary restrictions on LNP. T-Mobile also recommends that the Commission reduce the porting interval to two days for intermodal simple ports.

Respectfully submitted,

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